

JUDGE, IN DOUBT OF FRANK'S GUILT, URGED CLEMENCY

Roan, in Letter, Said He
Possibly Showed Undue
Deference to Jury.

DECISION OF PRISON BOARD IN 10 DAYS

Governor Will Then Consider
Recommendations—Thousands
of Petitions for Clemency.

(By Telegram to The Tribune.)
Atlanta, May 31.—Within a few days
Leo M. Frank will know his fate. The
hearing on his application for com-
mutation of sentence from death to
life imprisonment came to a close to-
day. The commission stated that
they would make recommendation to
the Governor within ten days. The
Governor will study the report, con-
sidering the application for clemency,
and will probably hold another hear-
ing. Then he will announce his deci-
sion.

With the splendid showing made to-
day by the defense, every indication
points to the success of the plea for
clemency. Delegations of citizens were
here to plead for the prisoner from
all over the State. Frank's old home
city, Dalton, Ga., Savannah, Ga.,
and Atlanta, while two committees also
urged clemency in behalf of thousands
of petitioners from Northern and West-
ern States. One of the committees was
from Chicago, and consisted of Mrs.
Mary Delaney Fisher, representing
200,000 women, whose petitions were
presented; W. N. Bauer, N. Higgins,
both from Chicago, and J. M. O'Connor,
chief of the Criminal Court of Cook
County, Illinois. The other was from
Boston, and included ex-Governor
Eugene Foss, Dr. J. W. Coughlin, of
Fall River, and Ernest Gruening, man-
aging editor of "The Boston Traveler."

The Frank plea was based mainly on
a sensational letter from Judge S. S.
Roan, who presided over the trial, and
from his death bed he wrote that
he had never been satisfied of
Frank's guilt, and that if he lived he
would make a personal plea for clemency.

Other features were letters from J.
T. Roan, the judge's brother, who bore
testimony to the judge's doubt in the
case, and from Paul Donohoe, a
Coroner who bound the prisoner over.
In the last event of the afternoon before
the conclusion of the hearing was an
eloquent address delivered by ex-Con-
gressman William M. Howard, who
drew a comparison between the case of
Frank and the case of the late President
Lincoln, who laid stress on the
doubt in the mind of the presiding
judge and of citizens generally, and
declared the defense was asking for
nothing more than its right, nothing
more than the jury might have
and the trial judge recommended mercy
instead of a verdict without recommen-
dation.

Great Interest in Roan's Letter.
The reading of Judge Roan's letter
was attended with unusual interest, as
its existence had not been publicly
known until yesterday.

The letter, dated in December, 1914,
was addressed to Luther Z. Rosser and
Reuben R. Arnold, Frank's principal
counsel at the trial. Judge Roan died
in New York last March. It said:

"After considering your communi-
cation asking that I recommend clemency
in the punishment of Leo M. Frank,
I wish to say that I am not satisfied
I shall ask the Prison Commission to
recommend and the Governor to com-
mute Frank's sentence to life impris-
onment."

It is possible that I showed undue
deference to the opinion of the jury
in this case when I allowed their ver-
dict to stand. They said by their ver-
dict that they had not been satisfied
of the guilt of the prisoner, and I
expressed myself. My search for the
truth, though diligent and earnest,
had not been successful. In the
extreme, judicial discretion, and
restricted and limited, according to
my interpretation of the decisions of
the reviewing court, I allowed the
jury's verdict to remain undisturbed.
I have no way of knowing it was er-
roneous.

"After many months of continued de-
liberation I am still uncertain of
Frank's guilt. The state of uncer-
tainty is largely due to the character
of the negro Conley's testimony, by
which the verdict was evidently
reached."

"Therefore, I consider this a case in
which the chief magistrate of the state
should exert every effort in ascer-
taining the truth. The execution of
any person without a state of uncer-
tainty is a state of uncertainty, and
authorities is too horrible to contem-
plate. I do not believe that a person
should meet with the extreme pen-
alty of the law until the state of uncer-
tainty is removed. Hence, at the
proper time I shall express and en-
large upon these views presently to the
Governor and the Prison Commission."

"However, if for any cause I am pre-
vented from doing this, you are at lib-
erty to use the statement as bearing."

Frank was not present during the
hearing. Mr. Howard first read the
prisoner's brief application for com-

mutation of sentence and then offered
documentary evidence, including rec-
ords of court proceedings, the letter
and the affidavit of Judge Roan and a
statement of Mrs. L. M. Frank. Judge
Roan's affidavit told of the hostile at-
mosphere surrounding the trial, which
induced him to urge that Frank be ab-
sent when the verdict was rendered.

Mrs. Frank in her statement told of
her husband's actions on the night of
April 26, 1913, the night Mary Phagan
was murdered, denied rumors that her
married life had not been happy and
also denied an affidavit by Minnie Mc-
Knight, a negro cook at the Frank
home, that Mrs. Frank had told her
mother that Frank was drunk the night
of April 26, 1913.

The following are extracts from Mrs.
Frank's letter:

"With the ideals which had been in-
culcated in me from girlhood, I expected
in my husband nothing less than that
to which I had been accustomed and
to which every woman looks for-
ward and which I fully realized in my
husband."

"When not occupied with his busi-
ness, the only time he spent away
from me was when he was occupied
with his charitable work, which took
him away from home about once or
twice a month."

"Our married life had been exceed-
ingly happy and never had been marred
by the slightest cloud. He was a
garded and loved by my parents as a
son and was always courteous, gentle
and most respectful in his relations
with them, and our families have al-
ways been on intimate terms."

Events on Fateful Evening.
"On the evening of April 26, 1913,
after supper, a number of friends of
my mother and father came over to
the house to play cards. My husband
and I did not play. He sat in the hall
reading. I would watch the game for a
while in the dining room and then
would go into the hall and talk to my
husband. He read until some time
after 10 o'clock, when he went up-
stairs. I followed him a few minutes
later, and we retired about 10:30. We
were awakened about 6:45 by the tele-
phone ringing. My husband answered it.

"When he came back again I asked
him who it was, and he said some de-
tectives had telephoned him to come
down to the factory; that there had
been a tragedy down there. While
my husband was dressing the front
doorbell rang, and I went down stairs
and opened the door. Both Rogers
and John Black were there. I asked
them what was the matter, and they
said some one had been killed in the
factory and they then told me what
they knew about it."

"After a minute or two my husband
came down and joined us. They asked
him if he knew Mary Phagan, and he
told them he did not. They then asked
him if a little girl had not come to the
office to get her money the preceding
day, and he said that he did remember
such a girl, but that he did not know
her name. They then said they
wanted him to come with them right
away to the factory."

"In the affidavit reported to have been
made by Minnie McKnight, the state-
ment that I ever told my mother that
my husband did not rest well that
night, that he was drunk, and that he
made me sleep on the floor, and all the
rest of it, is absolutely false in every
particular."

Washington, May 31.—President Wil-
son received today a telegram from
Mrs. Frank, the Independent Order of Sons
of Israel telling him that ex-Governor
Foss of Massachusetts and a delega-
tion have left for Atlanta, Ga., to ask
the Governor to commute the sentence
of Leo Frank. The message asked the
President to intercede in the case. He
has not yet replied to the telegram.

MRS. MOSKOWITZ
BALKS AT QUARREL

Misquoted, but Will Tell Miss
Morgan About Strand Roof
if Asked.

Mrs. Henry Moskowitz declared yester-
day that she would say nothing for
publication about the Strand Roof
Garden and that she had no reply to
make at present to Miss Anne Morgan's
statements in regard to her.

"I do not wish to get into a degen-
erate into a controversy between Miss
Morgan and myself, like two tenement
house women quarreling," she said.
The Strand is a state of uncertainty,
and I shall have something more to say
about the whole situation after my
committee on amusement resources
meets Wednesday afternoon. The
committee is going to reorganize to
meet the conditions of to-day, which
are pretty bad."

New York, Mrs. Moskowitz said, was
"never as rotten as it is now." "I
know that I am talking about the
poor working girl met in the low dance
halls," she added. "Well, now the
gently bred girl meets the same evils
in supposedly high places. I know that
the administration has nothing to do
with it. These girls and women are
not the fault of the administration, but
they, and they do get them. The mod-
ern dances are the beginning, I sup-
pose."

"Something should be done about
the dangers to our young people in the
Broadway resorts, but as to what
should be done I am not prepared to
speak until our committee meets on
Wednesday."

Mrs. Moskowitz declared that she
had been misquoted in the papers
about the Strand Roof Garden. She
said that, in fact, to tell Miss Mor-
gan whatever she knew about the place
if Miss Morgan asked her to do so, but
she would enter into no dispute.

KROTEL FREES FIFTY
FOR ASH CAN CRIMES

Magistrate Angry at Police
Round-Up of Citizens on
a Holiday.

Magistrate Krotel absolutely refused
yesterday to have his holiday cut into
by giving hearings to fifty citizens
who had been summoned to West Side
Court for alleged crimes, such as leav-
ing ash cans and garbage buckets un-
covered, leaving horses untied and
like.

"I don't care if the law has been
violated," said the magistrate angrily.
"On a holiday, perhaps one of the few
days when these men have a chance to
get out and get a little fresh air and
play, the sheriff brings them into court
for a petty offense. These sum-
monses could just as well have been
arranged for another day. I will not
hear a single case."

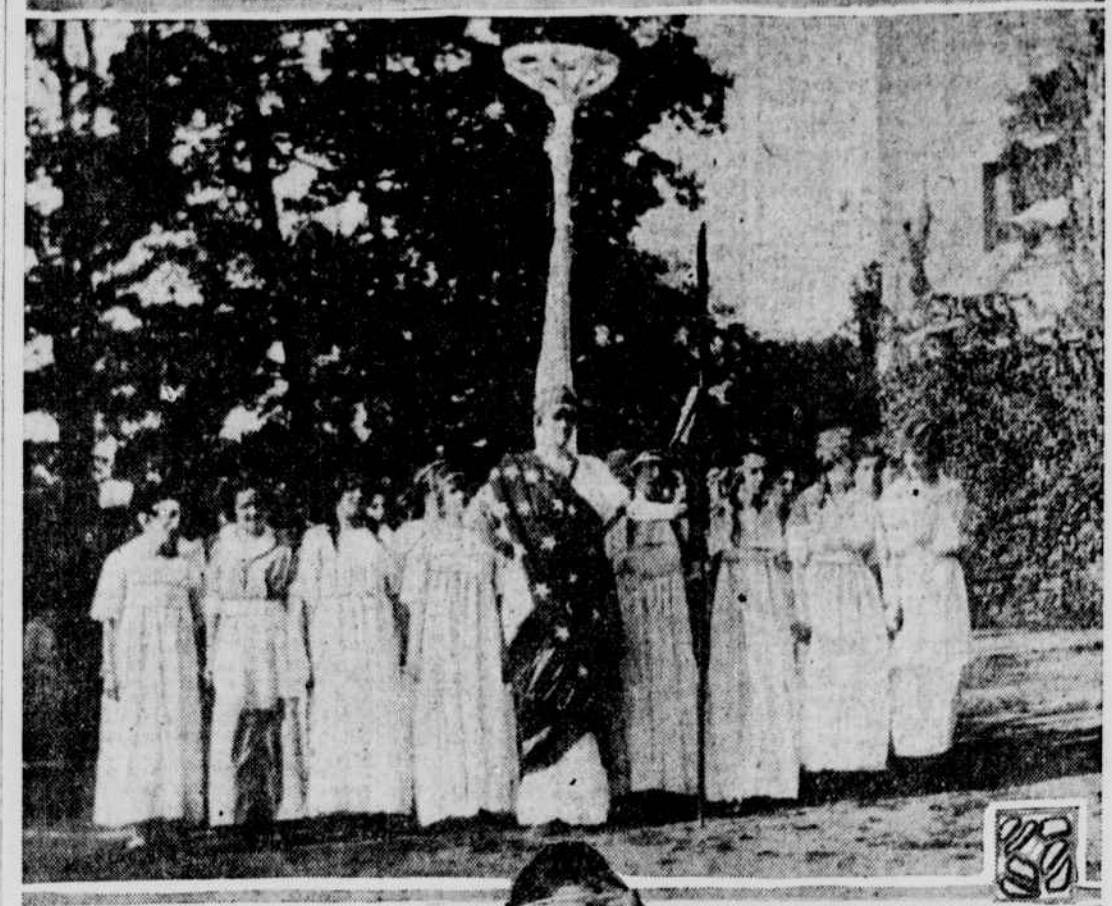
When informed that the police of
the West 100th Street station had
acted under orders of Sergeant Brophy,
Magistrate Krotel told them to go
back and tell Sergeant Brophy he had
little respect for his good sense.

NEW YORKER WAR VICTIM

Mrs. Jeanette Colby, of Nelsonville,
N. Y., received yesterday that her
brother, Dr. Louis Marceau, was killed
at the front while serving as a surgeon
of the French Red Cross. He was
struck by fragments of a bursting shell
during a battle near Rheims.

Dr. Marceau left this country a year
ago to take an advanced course in
medicine in Paris and enlisted, with
two of his brothers, in the French army.
He was thirty-two years old.

Maypole Dances and Tango Instead of Riots Signalize Holiday Spirit at Magdalen Home



Girls at Inwood-on-Hudson
Institution, in Summer
Gowns, Celebrate Memo-
rial Day with Parade and
Outdoor Party.

Memorial Day came to the Magdalen
Home, late the scene of riots and win-
dow smashing, with dancing on the
green and ice cream on the broad ter-
races overlooking the Hudson. Trou-
ble seemed as far from the romping
groups in their white dresses and pink
sashes as from any of the bands of
school children who could be heard
shrieking their holiday glee on their
way to the Dyckman Street ferry in
the street below.

The ten ring leaders in the recent
riot pranced about on the grass as in-
nocently as the rest. One of the group,
who spent several days in Jefferson
Market jail, led the procession of
America's dancers under the wing of
the Goddess of Liberty herself. Amer-
ica had the place of honor last on the
programme after the Italian, Jewish
and Irish dancers in national costume.
Led by a tall, blond girl carrying an
American flag, the company marched
and counter-marched about the May-
pole, singing "My Country 'Tis of
Thee." There was a baby Goddess of
Liberty, too—little Josephine Meyer.
Josephine has seen only one Memorial
Day before this, and she doesn't re-
member much about that, but she re-
minds her tiny head high and toddled
along at the head of the procession as
proudly as if to the golden corn.

After the programme there was much
ice cream and tango mingled two
girls in dark silk dresses, which pro-
claimed them not of the institution.
It developed they were "old girls," who
chose to spend their holiday revisiting
the place.

"Sometimes I wish I was back for all
the time," said one of them. She was
saying, glowing, to the hand of the
teacher who had been kind to her.

Ex-Bowery Dive Keeper Shocked
at Sights in Broadway Cabarets

Sees Girls Whose Parents "Slummed" in His "Dump"
Dancing, Drinking and Smoking with Abandon That
Would Have Meant Police Raid in Old Days.

An old man wandered through the
Great White Way as it was whirling
on its usual artificial, care-free way
last night. Almost unnoticed in the
gay throng, he made his way among the
crowded cabarets, and few among the
president tango-loving Broadway genera-
tion recognized in him a leader of the
night life of New York a score of
years ago.

"Boy when Owney Geoghegan, Billy
McGillory and McGuire were in their
prime, and before the Bowery was
hopelessly left behind in gayety's
constant march uptown, this old man
on Chatham Square. As he walked
through the New Tendorlo of to-day he
compared the sights he saw with the
city's night life as he knew it in the
old days."

And Broadway now, the oldtime dive-
keeper said, is more degrading, more
dangerous for the young girls who
flock to its resorts and less restrained
than the old Bowery of a genera-
tion back.

Their Forebears Slummed.
"Why, I remember all those people's
fathers and mothers," he said, "the
best known and the best known
cabarets and indicated with a sweep
of his arm the young men and women
drinking at the crowded tables. They
used to get up slumming parties and
come down to our places to watch the
human creatures who came there to
drown their sorrows. And all these
people from the swiftest families used
to sit and watch as a sort of a terrible
show the very things they were used
to do in those up-town cabarets."

"This is the first trip I ever took to
all these places where the swell folks
go at night, and honestly, it makes me
think the world is going back. Look
at those girls smoking over there. Why,
in our places everybody called them
'dumps' in those days—no women were
allowed to smoke. And no girl under
eighteen could ever get her hands on
anything but soda water or something
soft."

"We old timers would have been
jailed if we ever allowed scenes in our
places like they have here, where the
murders of to-day let their daughters
go."

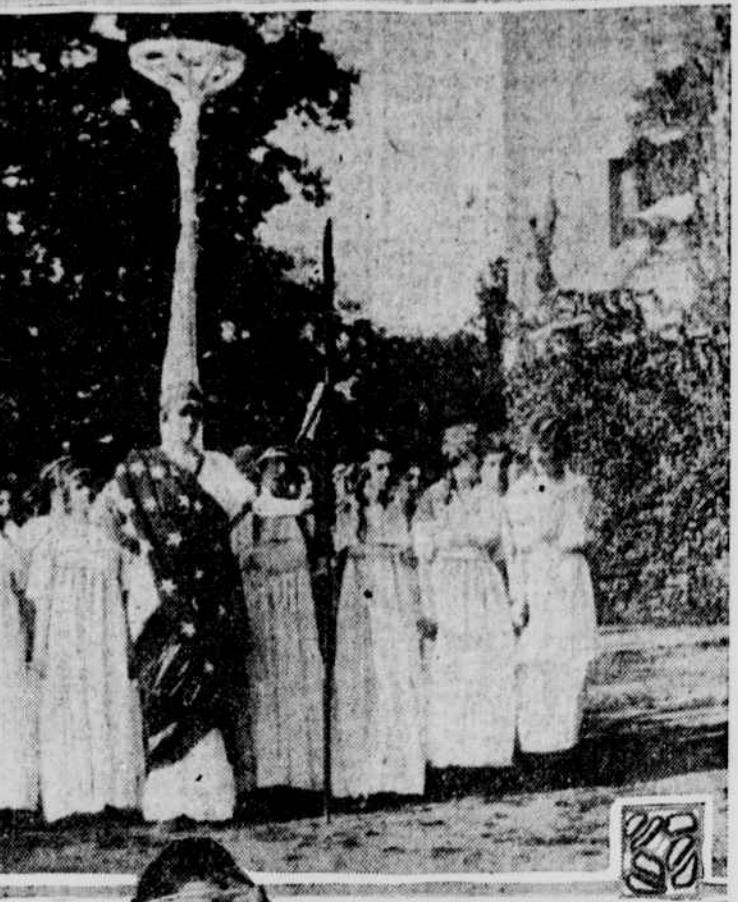
The old man paused a minute to
listen to the conversation at a table.
Over her glass of champagne a girl
said to her neighbor, "Look at those
girls smoking over there. They are
seventeen—was talking to her young
escort, already more than half intoxi-
cated."

Mama Out Motoring.
"Oh, mother's away motoring on
Long Island. She doesn't know I've
been out the last two nights," the girl
was saying.

"Just listen to that," exclaimed the
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COLLEGE, '15, HAS CLASS DAY

Barnard Seniors in Audi- ence, but Take No Part in Exercises.

NEW YORK BOYS
GET BIG PRIZES

Campus Night on Programme
for To-day, with Concerts
and Dancing.

No finer class-day weather could
have been asked by Columbia 1915
and its father, mother, sister, cousin
and girl-from-home, than the brand
that was handed out yesterday at
Morningside. The seniors made the
most of it. They marched all over the
campus, they sang "Dear Old Colum-
bia," they made speeches, grave and
gay, they saw their baseball team lick
the crack Chinese University nine,
they planted ivy 'neath the walls of
St. Paul's Chapel, they danced in the
gym and drank tea under the trees,
they.

In short, it was Class Day.
The caps and gowns began to gather
on the steps of Earl Hall at 1:30, and
at 2 sharp, to the strains of "March
On to Victory," the procession had
wound down the steps to the lower
campus and through the gym doors to
the platform, where it sat down to be
admitted by the aforesaid parents and
friends. Consciousness in the audi-
ence, they took no part in the pro-
gramme, were the Barnard seniors,
also in cap and gown.

Hugh Llewellyn Roberts, president
of the class, made the opening address.
It was followed by Camillus Rogers
Trainer, of Huntington, L. I., who read
the class history. Nineteen hundred
and fifteen, according to Trainer, is
unusual among Columbia classes, be-
cause it came to a university with-
out football and after four years of
hard work it goes away with football
a recognized sport.

Following the announcement of
prizes and Phi Beta Kappa elections,
Sherman Bijur delivered the class
poem and Franklin George Dunham, in
the role of prophet, predicted dire
fates for his classmates, ranging from
the job of barkeeper in a three-ring cir-
cus to the governorship of New York
on the Prohibition ticket.

"Freddie" Schang, the Columbia
jester, played Santa Claus to the class,
handing out, among other gifts, a foot-
warmer, a toy balloon, a tin horn, a
pair of angel's wings and a bottle of
beer to the men, he said, who needed
them most. Then James Coletti, who
holds the Curtis gold medal for ora-
tory, made the valedictory and the class
marched to the chapel, where the
ivy was planted. Milton A. Bridges
was the orator at this ceremony.

Announcement of Prizes.
The prizes were announced as fol-
lows:
Alumni Association prize, given by
the alumni of Columbia College to the
most faithful and deserving student
of the graduating class, value \$50;
George Allen Smith, of Port Chester.
Chandler prize, for the best essay on
the history of civil government in
America, the annual income of \$1,000,
bequeathed by J. Winthrop Chandler,
'17, to Otto Herskov.

Elisberg prize, a medal and \$50 in
memory of Albert Marston Elisberg, '05,
for excellence in modern history; to
Samuel Wolf Strauss.

Robert Asher Green prize of \$50 in
gold to the member of the graduating
class who has had the best record for
scholarship; to Leland R. Robinson, of
East Orange, N. J.

Rolker prize, the annual income of
\$1,000, in honor of Professor John
Howard Van Amringe, for excellence in
mathematical subjects offered in fresh-
man and sophomore years; to William
E. Curt.

Buren prize, the annual income of
\$5,000, given by Louis T. Hoyt in
memory of John Van Buren, '05, award-
ed to the candidate for a degree in
Columbia College who passes the best
exam in Euclidean geometry, differ-
ential and integral calculus; to
Leo Stern.

Phi Beta Kappa Elections.
Elections to Phi Beta Kappa, an-
nounced by Dean Frederick P. Keppel
of Columbia College; J. B. Armstrong,
New York City; H. C. Chadwick, Madison,
N. J.; James Coletti, New York City;
A. Elwyn, New York City; M. N. Fag-
ner, Poughkeepsie, N. Y.; W. F. Eis-
berg, New York City; E. E. Birmingham,
Ala.; A. A. Haldestein, New York
City; W. R. Hlsen, New York City;
J. A. Kinney, New York City; J. A.
Murphy, Buffalo, N. Y.; J. A. Mur-
phy, Buffalo, N. Y.; J. A. Murphy,
Buffalo, N. Y.; J. A. Murphy, Buff-
alo, N. Y.; J. A. Murphy, Buffalo, N. Y.

Phi Beta Kappa.
The Phi Beta Kappa chapter of Columbia
College was organized in 1863. It is the
highest academic honor conferred by the
college. It is a society of scholars, and
its members are chosen by the faculty.
The chapter is composed of the best
students of the college, and its mem-
bers are known as Phi Beta Kappans.
The chapter is a very exclusive one,
and its members are very proud of
their position. The chapter is a very
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